

Serial No. 10/075,045

Page 7

REMARKS

Claims 1-18 are pending in this application. By this Amendment, claims 1 and 8 are amended. Claim 1 is amended to obviate the Office Action's objection. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Applicant gratefully acknowledges the Office Action's indication of allowable subject matter in claim 14. However, for the reasons set forth below, Applicant respectfully asserts that all of the claims are directed to allowable subject matter and that the application is in condition for allowance.

The Office Action objects to claim 1. This objection is respectfully traversed. Claim 1 is amended in accordance with the Office Action's suggestions to overcome the objection.

Accordingly, Applicant requests the withdrawal of the objection to the claims.

Applicant notes that, besides the amendment just noted, additional minor amendments have been implemented to the claims which are designed to enhance their clarity. These changes have been made for reasons unrelated to patentability. See *Hilton Davis Chemical Co. v. Warner-Jenkinson Co.*, 43 USPQ2d 1152, 1154 (Fed. Cir. 1997).

The Office Action rejects, under 35 U.S.C. § 103, claims 1, 3-13, 15, 17, and 18 over Ichihara (U.S. Patent No. 6,553,018 B1) and Hayashi et al. (U.S. Pub. No. US 2002/0094835 A1) and claims 2 and 9 over Ichihara, Hayashi et al. and Hosur (U.S. Patent No. 6,166,622). These rejections are respectfully traversed.

Applicants assert that neither Ichihara nor Hayashi et al. disclose or suggest comparing new TPC information to last TPC information, as recited in independent claim 1 and similarly recited in independent claims 8 and 12.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

Serial No. 10/075,045

Page 8

success must both be found in the prior art, and not based on applicant's disclosure (MPEP 2142). The prior art must suggest the desirability of the claimed invention (MPEP 2143.01).

Ichihara does not disclose the claimed feature. In fact, the Office Action admits Ichihara does not disclose the claimed feature. In particular, the Office Action admits, "Ichihara does not teach that determining whether the TPC information calls for an increase or decrease in power; comparing the new TPC information to the last TPC information." Thus, Ichihara does not disclose the claimed feature.

Hayashi et al. fails to make up for the deficiencies of Ichihara. In particular, Hayashi et al. also does not disclose comparing TPC information to last TPC information. Hayashi et al. only discloses comparing a received Signal/Interference Ratio (SIR) "with a target SIR which is previously held by a comparing circuit 13 so that transmission power control information is generated on the basis of the result of the comparison. The transmission power control information (normally included in TPC bits) is sent to the base station..." (paragraph [0008]). This is only the comparison of a received SIR with a target SIR. This does not disclose comparing TPC information to last TPC information. In fact, Hayashi et al. expressly differentiates SIR with TPC because Hayashi et al. compares SIR and then generates transmission power control information included in TPC bits. Thus, the TPC bits are based on a SIR comparison, not on a TPC comparison. Consequently, Hayashi et al. fails to make up for the deficiencies of Ichihara.

Thus, neither Ichihara nor Hayashi et al. disclose or suggest comparing new TPC information to last TPC information, as recited in independent claim 1 and similarly recited in independent claims 8 and 12.

Therefore, Applicants respectfully submit that independent claims 1, 8, and 12 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103.

#### CONCLUSION

Serial No. 10/075,045

Page 9

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



Matthew C. Loppnow  
Attorney for Applicant  
Registration No. 45,314

Phone No. (847) 523-2585  
Fax No. (847) 523-2350

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Please send correspondence to:  
Motorola, Inc.  
Intellectual Property  
600 North U.S. Highway 45  
Libertyville, IL 60048